

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Official Action of June 26, 2007. The present application includes Claim 1-70, of which Claims 5, 17, 24, 35, 41, 52, 58 and 69 from consideration have been withdrawn as being directed to the non-elected species of FIG. 3. For those claims under consideration, Official Action rejects Claims 1-3, 6-10, 20-22, 25-28, 37-39, 42-45, 54-56 and 59-62 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0133393 to Tatsumi et al. The Official Action then rejects the remaining claims under consideration, namely Claims 4, 11-16, 18, 19, 23, 29-34, 36, 40, 46-51, 53, 57, 63-68 and 70, under 35 U.S.C. § 103(a) as being unpatentable over Tatsumi in view of U.S. Patent Application Publication No. 2004/0003398 to Donian et al. Further, the first Official Action rejects Claims 52 and 53 under 35 U.S.C. § 112, second paragraph, for including a typographical error in their dependencies; although Applicants have amended the dependencies of Claims 52 and 53, and in view thereof, respectfully submit that the § 112, second paragraph rejection is overcome.

As explained below, Applicants maintain that all of the pending claims, namely Claims 1-70, are in fact directed at least to a terminal such as that shown in FIG. 5. Applicants further respectfully submit that the claimed invention is patentably distinct from Tatsumi and Donian, taken individually or in combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention. In view of the amendments to the claims and the remarks presented herein, Applicants request reconsideration and allowance of all of the pending claims of the present application.

#### ***A. Restriction Requirement***

In a first Official Action, the Office required an election between two allegedly disclosed species, namely the digital broadcast receiving terminal of FIG. 3, and the mobile station (operable as a terminal) of FIG. 5. Applicants responded to the restriction requirement explaining that although both FIGS. 3 and 5 illustrate devices that are, or are operable as, terminals, those devices are not in fact “species” of a common “genus.” Nonetheless, Applicants elected the mobile station of FIG. 5 as the elected species given that the claimed invention is

directed to the mobile station (operable as a terminal) and its operation within the disclosed system. In this regard, Applicants further noted that all of the currently pending claims are directed at least to a terminal such as that shown in FIG. 5.

In response to the foregoing, the Office maintains that FIGS. 3 and 5 disclose different "species," citing as support the fact that the Figures disclose different structures. Further, the Office alleges that Claims 1-4, 6-16, 18-23, 25-34, 36-40, 42-51, 53-57, 59-68 and 70 are directed to the species of FIG. 5, and Claims 5, 17, 24, 35, 41, 52, 58 and 69 are directed to the species of FIG. 3 (noting that these claims are directed to televisions). And since Applicants elected the species of FIG. 5, the Examiner has withdrawn Claims 5, 17, 24, 35, 41, 52, 58 and 69 from consideration.

Contrary to the position taken in the Official Action, even if one could argue that FIGS. 3 and 5 disclose different species, Applicants respectfully submit that all of the pending claims (i.e., Claims 1-70) are in fact directed at least to a terminal such as that shown in FIG. 5. The Official Action alleges that Claims 5, 17, 24, 35, 41, 52, 58 and 69 are not directed to the terminal of FIG. 5, but instead to the terminal of FIG. 3, since those claims are directed to televisions. Applicants disagree, however, and note that Claims 5, 17, 24, 35, 41, 52, 58 and 69 are not directed to televisions, but instead to content comprising television programs for television channels. As explicitly disclosed in the specification, however, the mobile station of FIG. 5 (operating as a terminal 10) may receive content for one or more television channels, including in the following passage:

*As shown in block 100, a method of recording content usage statistics generally includes receiving and storing one or more pieces of content at a terminal 10. The content can comprise any of a number of different types of content, and can be received at the terminal in accordance with any of a number of different wireline and/or wireless transfer techniques. For example, the content can comprise textual, audio, video and/or multimedia content capable of being received at the terminal in accordance with communication techniques such as 1G, 2G, 2.5G and/or 3G wireless communication techniques, and/or in accordance with techniques such as infrared, radio frequency, Bluetooth and/or WLAN transfer techniques. In one advantageous embodiment, however, the content can comprise textual, audio, video and/or multimedia content for one or more television, radio and/or data channels. In such instances, the content can be capable of being received by the terminal from the digital broadcast receiving*

*terminal 28 and/or the digital broadcaster 30, for example, in accordance with a broadband data broadcast technique such as a DVB technique (e.g., DVB-T, ETSI Standard EN 300 744).*

Pat. Appl., page 20, lines 14-27. *See also* FIG. 1; page 10, lines 23-28; and page 11, lines 10-13 (explaining that the terminal 10 may be directly or indirectly – e.g., via a digital broadcast receiving terminal 28 – coupled to a digital broadcaster for receiving content for one or more television channels).

For at least the foregoing reasons, Applicants respectfully submit that Claims 5, 17, 24, 35, 41, 52, 58 and 69 are in fact directed to the elected species of FIG. 5, and request consideration of these claims in the next Official Action.

***B. Claims 1-3, 6-10, 20-22, 25-28, 37-39, 42-45, 54-56 and 59-62 are Patentable***

The Official Action rejects Claims 1-3, 6-10, 20-22, 25-28, 37-39, 42-45, 54-56 and 59-62 as being anticipated by Tatsumi. Briefly, Tatsumi discloses a system and method for collecting viewing information related to broadcast commercials (CM programs). As disclosed, a broadcast facility broadcasts program data of a CM program together with associated information indicating a sponsor code, product name, and others. A viewer's broadcast receiver receives the CM program and extracts the associated information. The broadcast receiver then automatically transmits this information to a viewing information server together with viewing time/day, area information, and a previously-stored viewer profile (the transmitted information collectively being referred to as "viewing information"). The viewing information server may then store the received viewing information into a database, generate marketing information through statistical analysis of the viewing information, and provide the marketing information to an advertiser terminal.

According to a first aspect of the present invention, as reflected for example by amended independent Claim 1, a system includes a terminal and a destination. The terminal is configured to be triggered to obtain a location of the terminal by accessing one or more pieces of content from a memory of the terminal; and configured to store, into a content usage log, one or more content usage statistics relating to the terminal accessing the piece(s) of content. In this regard, one or more content usage statistics comprises the location of the terminal. The destination,

then, is configured to receive the content usage log including the content usage statistic(s).

In contrast to amended independent Claim 1, Tatsumi does not teach or suggest the terminal accessing the content (with which the content usage statistic(s) are related) from memory of the terminal triggering the terminal to obtain its location and store content usage statistic(s) including the location. Instead, in all of the disclosed embodiments of Tatsumi, its receipt of a CM program from the broadcast facility (and not access of a CM program from memory) that triggers the extraction of information and sending of that information and other viewing information to the viewing information server. Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2, 3 and 6-10, is patentably distinct from Tatsumi.

Applicants submit that amended independent Claims 20, 37 and 54 recite subject matter similar to that of amended independent Claim 1, including triggering obtaining the location of a terminal or apparatus by accessing content from memory (Claim 20), or memory of the terminal or apparatus (Claims 37 and 54), and storing content usage statistic(s) including the location. Applicants therefore respectfully submit that amended independent Claims 20, 37 and 54, and by dependency Claims 21, 22, 25-28, 38, 39, 42-45, 55, 56 and 59-62, are also patentably distinct from Tatsumi, for at least the reasons given above with respect to amended independent Claim 1.

In addition to the foregoing reasons, Applicants respectfully submit that various ones of the dependent claims recite features, including offline access (i.e., Claims 7, 26, 43 and 60) or repeated location/content usage statistic storage features (i.e., Claims 8, 27, 44 and 61), further patentably distinct from Tatsumi. As to the offline access and repeated storage features, in all of the disclosed embodiments of the cited reference, again, its receipt of a CM program from the broadcast facility (and not offline access of a CM program from memory) that triggers the extraction of information and sending of that information and other viewing information to the viewing information server. And nowhere does the cited reference disclose that the broadcast receiver repeatedly obtains its location and other viewing information, and sends the viewing information to the viewing information server for a period of time.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-3, 6-10, 20-22, 25-28, 37-39, 42-45, 54-56 and 59-62 as being anticipated by Tatsumi

is overcome.

***C. Claims 4, 11-16, 18, 19, 23, 29-34, 36, 40, 46-51, 53, 57, 63-68 and 70 are Patentable***

The Official Action rejects Claims 4, 11-16, 18, 19, 23, 29-34, 36, 40, 46-51, 53, 57, 63-68 and 70 as being unpatentable over Tatsumi in view of Donian.

**I. Claims 4, 23, 40 and 57**

Dependent Claims 4, 23, 40 and 57 depend from amended independent Claims 1, 20, 37 and 54 which, as indicated above, are patentably distinct from Tatsumi. Applicants further respectfully submit that Donian does not cure the defects of Tatsumi. More particularly, in contrast to independent Claims 1, 20, 37 and 54, and by dependency Claims 4, 23, 40 and 57,, neither Tatsumi nor Donian, taken individually or in any proper combination, teaches or suggest triggering obtaining the location of a terminal or apparatus by accessing content from memory (Claim 20), or memory of the terminal or apparatus (Claims 37 and 54), and storing content usage statistic(s) including the location. Applicants therefore respectfully submit amended independent Claims 1, 20, 37 and 54, and by dependency Claims 4, 23, 40 and 57, are patentably distinct from Tatsumi and Donian, taken individually or in any proper combination.

**2. Claims 11-16, 18, 19, 29-34, 36, 46-51, 53, 63-68 and 70**

According to a second aspect of the present invention, as reflected for example by amended independent Claim 11, a system again includes a terminal and destination. According to this aspect of the present invention, the terminal is configured to access one or more pieces of content from a memory, where the piece(s) of content comprise one or more pieces of pre-broadcast content related to broadcast content. The terminal is also configured to store, into a content usage log, one or more content usage statistics relating to the terminal accessing the piece(s) of pre-broadcast content. The destination is configured to receive the content usage log including the content usage statistic(s) before the broadcast content is broadcast.

As to independent Claim 11, the Examiner concedes that Tatsumi does not teach or suggest pre-broadcast content. Nonetheless, the Examiner alleges that Donian discloses this feature, and that it would have been obvious to one skilled in the art to modify Tatsumi to include the feature. Initially, Applicants again submit that that even considering Donian, neither Tatsumi nor Donian, taken individually or in combination, teach or suggest a terminal storing content usage statistic(s) related to the terminal accessing one or more pieces of content from memory. Again, in all of the disclosed embodiments of Tatsumi, its receipt of a CM program from the broadcast facility (and not access of a CM program from memory) that triggers the extraction and sending of information. And Donian does not teach or suggest storing any content usage statistics related to the access of pre-broadcast content, much less the storing of any statistics related to the access of such content from memory.

Moreover, Applicants respectfully submit that neither Tatsumi nor Donian, taken individually or in combination, teaches or suggests a destination receiving content usage statistics before the related broadcast content is broadcast. Donian is alleged to disclose this feature of the claimed invention. Nowhere, however, does Donian teach or suggest statistics related to accessing pre-broadcast content. Thus, Donian cannot logically disclose sending those statistics before the related broadcast content is broadcast. And although Tatsumi may disclose extracting and sending information related to a CM program, Tatsumi does not teach or suggest sending that information before broadcast of related broadcast content. Applicants therefore respectfully submit that amended independent Claim 11, and by dependency Claims 12-16, 18 and 19, is patentably distinct from Tatsumi and Donian, taken individually or in combination.

Applicants submit that amended independent Claims 29, 46 and 63 recite subject matter similar to that of amended independent Claim 11, including storing, into a content usage log, content usage statistics relating to accessing piece(s) of pre-broadcast content from memory; and sending the statistics to (or receiving the statistics at) a destination before the related broadcast content is broadcast. Applicants therefore respectfully submit that amended independent Claims 29, 46 and 63, and by dependency Claims 30-34, 36, 47-51, 53, 64-68 and 70, are also patentably distinct from Tatsumi and Donian, taken individually or in combination, for at least the reasons given above with respect to amended independent Claim 11.

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Amdt. dated July 24, 2007  
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For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 4, 11-16, 18, 19, 23, 29-34, 36, 40, 46-51, 53, 57, 63-68 and 70 as being unpatentable over Tatsumi in view of Donian is overcome.

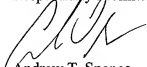
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**CONCLUSION**

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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